



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,841	08/04/2003	Shinji Yamadaji	04329.3103	5058

7590 06/29/2004

Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
1300 I Street, N.W.
Washington, DC 20005-3315

EXAMINER

ARTHUR JEANGLAUDE, GERTRUDE

ART UNIT	PAPER NUMBER
----------	--------------

3661

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,841

Applicant(s)

YAMADAJI ET AL.

Examiner

Gertrude Arthur-Jeanglaude

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/4/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-18 is/are allowed.
- 6) ☒ Claim(s) 1,5,12,15 and 19 is/are rejected.
- 7) ☒ Claim(s) 2-4,6-11,13 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 62204.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Minovitch (U.S. Patent No. 4,361,202).

As to claim 5, Minovitch discloses an on-vehicle electronic apparatus comprising: means for acquiring travel information of a travel group including a self vehicle; and means for informing a driver of information of the travel group on the basis of the acquired travel information (See abstract; col. 26, lines 40-56).

Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Tak (U.S. Patent No. 20030109972).

As to claim 12, Tak discloses an on-vehicle electronic apparatus comprising: means for generating a packet (via the communication modules) which contains information indicating a transmission destination, and data to be transmitted; and means for transmitting the generated packet to the transmission destination via a moving wireless LAN access point (See abstract; Figs.1-2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tak (US 20030109972) in view of Minovitch (U.S. Patent No. 4,361,202).

As to claim 1, Tak discloses an on-vehicle electronic apparatus comprising a wireless communication unit which makes a wireless communication via a wireless LAN; and means for taking a collision avoidance measure (see abstract; paragraphs 0059 0060) but fails to specifically disclose means for acquiring travel information from vehicles around a self vehicle using the wireless communication unit;. In a related art, Minovitch discloses means for acquiring travel information from vehicles around a self vehicle and taking a collision avoidance measure on the basis of the acquired travel information (See abstract, lines 17-27; col. 26, lines 40-56). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Tak with that of Monovitch by acquiring travel information from vehicles around a self vehicle and taking a collision avoidance measure on the basis of the acquired travel information in order to provide fully automated road transportation system for private and commercial vehicles.

Claims 15, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi et al. (U.S Patent No. 6,061,628) in view of Tak (U.S. Pub No. 20030109972).

As to claims 15, 19, Hayashi et al. disclose an on vehicle electronic apparatus which searches for a route to a destination, and issues an instruction to a driver in correspondence with a travel position, comprising: means for acquiring route information of vehicles around a self vehicle using a (VICS Vehicle Information & Communication System); means for estimating a traffic jam state on the basis of the acquired route information; means for searching for another route on the basis the traffic jam state; and means for presenting the found route to the driver (via a display 12 as shown in Fig.1) (See col. 3, lines 10-28; Fig. 11; col. 1, lines 50-60; col. 6, lines 1-25). Though Hayashi et al. disclose the acquiring information of vehicles using VICS transmission, it does not specifically disclose using a wireless LAN. In a related art, Tak discloses a driver's vehicle diagnostic apparatus wherein it uses communication modules LAN. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Hayashi et al. with that of Tak by having a wireless LAN for faster communication purposes.

Allowable Subject Matter

Claims 2-4, 6-11, 13-14 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 16-18 are allowable over the prior art of record.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Raichle et al.	(U.S Pat 6,603,394)
Nishikawa et al.	(U.S. Pat 4,628,317)
Yamamura	(U.S. Pat 20020057195).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur-Jeanglaude whose telephone number is (703) 308-7564. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GAJ

GAJ

June 23, 2004

Gertrude A. Jeanglaude
GERTRUDE A. JEANGLAUBE
PRIMARY EXAMINER